

CHAPTER 40 RETAIL RATEMAKING

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4000 NOTICE OF PROPOSED RATE CHANGE AND PUBLIC HEARING

4000.1 Except as provided in §6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 *Stat.* 5006; D.C. Code §1-1506(c)), before establishing or changing a retail rate for the provision of potable water or sewage services in the District of Columbia, the Board shall first publish notice of its intention to do so in the *D.C. Register*. The notice may also be published in a newspaper of general circulation in the District of Columbia.

4000.2 The notice shall state as follows:

- (a) The rate under consideration by the Board;
- (b) The date, time, and location of a public hearing to be held by the Board on the proposed rate, or an indication that the date, time and location will be specified in a forthcoming notice;
- (c) The time period during which written comments may be submitted for consideration by the Board;
- (d) The requirements of §4001.5 of this chapter; and
- (e) Whether the Board is considering adopting the new rate at a meeting of the Board immediately following the public hearing.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, D.C. Law 11-111, D.C. Code §43-1686 (1990 Repl. Vol.).

SOURCE: Final Rulemaking published at 44 DCR 2633 (May 2, 1997).

EDITOR'S NOTE: Chapter 50, Retail Ratemaking was renumbered Chapter 40.

4001 PUBLIC HEARING

4001.1 The public hearing, required by §216 of the Act, may be conducted as an agenda item at a Board meeting, or as a separate hearing.

- 4001.2 The hearing shall be conducted not earlier than ten (10) days after publication of the notice specified in §4000 of this chapter.
- 4001.3 At least four (4) District members of the Board shall be present in order for the public hearing to occur.
- 4001.4 The Chairperson of the Board, or his or her designee, shall conduct the public hearing.
- 4001.5 Any member of the public who wants to testify at the public hearing shall submit his or her name, and the name of any organization(s), if any, which he or she represents, to the Secretary to the Board at least three (3) days before the date of the hearing; except that this requirement may be waived by a majority vote of the District members present at the hearing.
- 4001.6 Statements of members of the public who are testifying on their own behalf shall be limited to five (5) minutes, and statements of those who are appearing on behalf of organizations shall be limited to ten (10) minutes, except that this requirement may be waived by a majority vote of the District members present at the hearing.
- 4001.7 If, in the opinion of the Board member conducting the public hearing, a witness is abusive or unruly, such that his or her behavior is disrupting the conduct of the hearing, the Board member conducting the public hearing may call for a recess in accordance with §§4001.9 and 4001.10 of this section, order the witness to cease the behavior, or order the witness to leave the hearing. A person who is ordered to leave a hearing may submit written comments, pursuant to the Act and this chapter.
- 4001.8 In addition to, or in place of, oral testimony, members of the public may submit written testimony or comments during the period specified in the notice of proposed ratemaking. Either form of comment shall be given equal weight.
- 4001.9 By majority vote of the District members present at a public hearing, a recess may be called for the reasons stated in §4001.7 of this section or if the public hearing cannot be completed during the time period originally allocated to it.
- 4001.10 If a majority of the District members present at the public hearing agree to a date, time, and place for the continuation of the hearing after the recess, and the Board member conducting the hearing announces this decision in public at the original hearing, then no new notice of the continuation of the hearing will be published in the *D.C. Register*.

SOURCE: Final Rulemaking published at 44 DCR 2633 (May 2, 1997).

4002 ADOPTION OF RETAIL RATE

- 4002.1 Following the completion of the hearing and the comment period specified in the Board's notice of proposed ratemaking, a rate may be established or adjusted by a majority vote of all of the District members at a Board meeting.

4002.2 An approved retail rate shall take effect upon its publication in the *D.C. Register*.

SOURCE: Final Rulemaking published at 44 DCR 2633, 2635 (May 2, 1997).

4099 DEFINITIONS

4099.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

Act - the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Code Title 43, Chapter 16B).

Authority - the District of Columbia Water and Sewer Authority, established by §202(a) of the Act, D.C. Code §43-1672 (1990 Repl. Vol.).

Board - the Board of Directors of the Authority, established by §204(a) of the Act, D.C. Code §43-1674.

SOURCE: Final Rulemaking published at 44 DCR 2633, 26,35 (May 2, 1997).

